



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE November 18, 2005 LOCAL EFFECTIVE DATE December 2, 2005 APPROX FINAL EFFECTIVE DATE December 23, 2005	CONTACT/PHONE Ryan Hostetter (805) 788-2351	APPLICANT James Walker	FILE NO. DRC2005-00061
SUBJECT Request by James Walker for a Minor Use Permit/Coastal Development Permit to allow the addition of a new roof over the existing garage. The existing roof on the garage consists of a single story flat roof, and the new roof will be in a cone shape to match the existing roof of the attached single family residence. The proposed project is within the Residential Single Family land use category and is located on the bay at 1101 Pasadena Drive in the community of Los Osos, directly north west of the Baywood Central Business District. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2005-00061 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on October 7, 2005 (ED05-150).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan, Coastal Appealable Zone, Wetlands, Archaeologically Sensitive, Flood Hazard, Sensitive Resource Area	ASSESSOR PARCEL NUMBER 038-681-008	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Wetland Setbacks; Height Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Plan, Coastal Appealable Zone, Wetlands, Archaeologically Sensitive, Flood Hazard, Sensitive Resource Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

<p>EXISTING USES:</p> <p>Site currently contains an existing single family home with garage and driveway.</p>	
<p>SURROUNDING LAND USE CATEGORIES AND USES:</p> <p><i>North:</i> Morro Bay <i>East:</i> Residential Single Family/residential</p> <p><i>South:</i> Residential Single Family/residential <i>West:</i> Morro Bay</p>	
<p>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</p> <p>The project was referred to: County Public Works, CDF, Los Osos Community Services District, Los Osos Community Advisory Council, and the California Coastal Commission</p>	
<p>TOPOGRAPHY:</p> <p>Site is slightly sloping toward the bay</p>	<p>VEGETATION:</p> <p>Ornamental Vegetation, and wetlands to the rear of the existing house</p>
<p>PROPOSED SERVICES:</p> <p>Water supply: Community system</p> <p>Sewage Disposal: Individual septic system</p> <p>Fire Protection: CDF (County Fire)</p>	<p>ACCEPTANCE DATE:</p> <p>October 7, 2005</p>

DISCUSSION

PLANNING AREA STANDARDS:

Wetland Setbacks: The wetland setback in Tract 40 shall be 75 feet. The project includes adding a new roof over the existing garage, which is at the front of the lot on Pasadena Ave. (approx. 50-60 feet from the wetland area). The wetland is located adjacent to the bay which is on the other side of the existing residence from the garage. This project does not include any ground disturbance and will not have any effect on the existing wetlands adjacent to the bay.

Height Limitations: Maximum height shall be 14 feet. The proposed roof is higher than the existing flat roof which was approximately 10' in height (as scaled from the elevations in the file). The new roof will be a cone shape which will change the flat roof to a pitched roof and add height to the structure. The project is conditioned to require a licensed surveyor submit a stamped plan, which shows the height of the structure to be no more than 14' from the existing finished grade of the site.

Generally measurement of height is determined based on the average natural grade, however there are some cases where the height can be measured from finished grade. One of those cases includes, "The site was graded or filled pursuant to a grading permit approved before September 18, 1986" (Section 23.04.122 b of the Coastal Zone Land Use Ordinance). The proposed project can be measured from finished grade under this section of the ordinance. The existing home has an approved permit from 1976 (per assessor's office records) for the existing residence and associated grading for the home.

LAND USE ORDINANCE STANDARDS:

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Section 23.01.043 - Appeals to the Coastal Commission

The project is appealable to the Coastal Commission because the site is proposed development within 300 feet of the inland extent of the beach.

Section 23.07.104 - Archaeologically Sensitive Areas

The project site is within a mapped Archaeologically Sensitive Area. Because the project does not include any ground disturbance at all, there is no possibility that the proposed project will impact archaeological resources if they exist on the project site.

Section 23.07.160 Sensitive Resource Area, Section 23.07.170 Environmentally Sensitive Habitats and Section 23.07.172 Wetlands

The project site is located within a mapped Sensitive Resources Area and mapped Wetland area. The Sensitive Resource Area and Wetland designations are for Morro bay. The minimum wetland setback (per Estero Area Plan) is 75 feet from the upland extent of wetland vegetation. The proposed project includes replacing an existing roof which will have no impact on the wetland vegetation along Morro Bay.

Section 23.07.060 - Flood Hazard

The project site is located within a mapped flood hazard area. Because the project includes replacing an existing roof and does not include any new square footage or ground disturbance, the project will not increase the flood potential on the subject property.

COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A
Recreation and Visitor Serving: ☒ N/A
Energy and Industrial Development: ☒ N/A
Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A
Environmentally Sensitive Habitats: Policy No(s): 1, 5, & 15
Agriculture: ☒ N/A
Public Works: Policy No(s): 1
Coastal Watersheds: Policy No(s): 7,8 & 10
Visual and Scenic Resources: ☒ N/A
Hazards: Policy No(s): 1 & 2
Archeology: Policy No(s): 4
Air Quality: ☒ N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Public Works:

Policy 1: Availability of Service Capacity applies to the project. The proposed project does not require any public services.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the existing garage is located in the Residential Single Family category on a slope less than 20 percent.

Policy 8: Timing of new construction: The proposed project does not include any ground disturbance or grading therefore an erosion control plan is not necessary.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the proposed project will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Archeology:

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas applies to the project. An archaeological survey is not necessary for this proposed project because there will be absolutely no ground disturbance with the replacement of the roof on the garage.

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitat: The proposed roof will not significantly disrupt the habitat. Therefore the proposed project is consistent with this policy.

Policy 5: Protection of Environmentally Sensitive Habitats. The proposed project is consistent with this policy since the wetlands will not be impacted.

Policy 15: Wetland Buffer: The proposed project is consistent with this policy, because the project will not decrease the existing wetland buffer on site and will not have any negative effect to any wetland habitat.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS:

AGENCY REVIEW:

Public Works- None as of 10/7/05

CDF – None as of 10/7/05

Los Osos Community Services District – None as of 10/7/05

California Coastal Commission – None as of 10/7/05

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map (Tract 40) at a time when that was a legal method of creating lots.

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project is a minor addition to an existing single family residence that will not include any ground disturbance.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the replacement of an existing roof on a garage does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the new roof is similar to the existing roof on the residence, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the proposed project will not increase vehicle trips from the existing single family residence.

Coastal Access

- G. The proposed project includes adding a new roof on an existing garage. The project as proposed does not include increase in footprint and is minor in size, and does not provide a nexus to require coastal lateral access. Existing vertical access to the bay currently exists approximately 150 feet to the south of the project site.

Sensitive Resource Area

- H. As conditioned, the development will not create significant adverse effects on the natural features (Morro Bay) of the site or vicinity that are the basis for the Sensitive Resource Area designation, and will preserve and protect such features through site design.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements.

- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.
- L. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
- M. The proposed use will not significantly disrupt the habitat.

Archeological Sensitive

- N. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the proposed project does not include any ground disturbance, and will not have an impact on archaeological resources.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. the addition of a new roof over the existing garage. The existing roof on the garage consists of a single story flat roof, and the new roof replacement will be in a cone shape to match the existing roof of the single family residence on site.
 - b. maximum height is 14' from finished grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. The applicant shall submit plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. The applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

Conditions to be completed prior to issuance of a construction permit

Fees

5. The applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during project construction

Building Height

6. The maximum height of the project is 14' feet from finished grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish finished grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector **prior to roof nailing inspection** or retaining walls, as an added precaution.

- c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

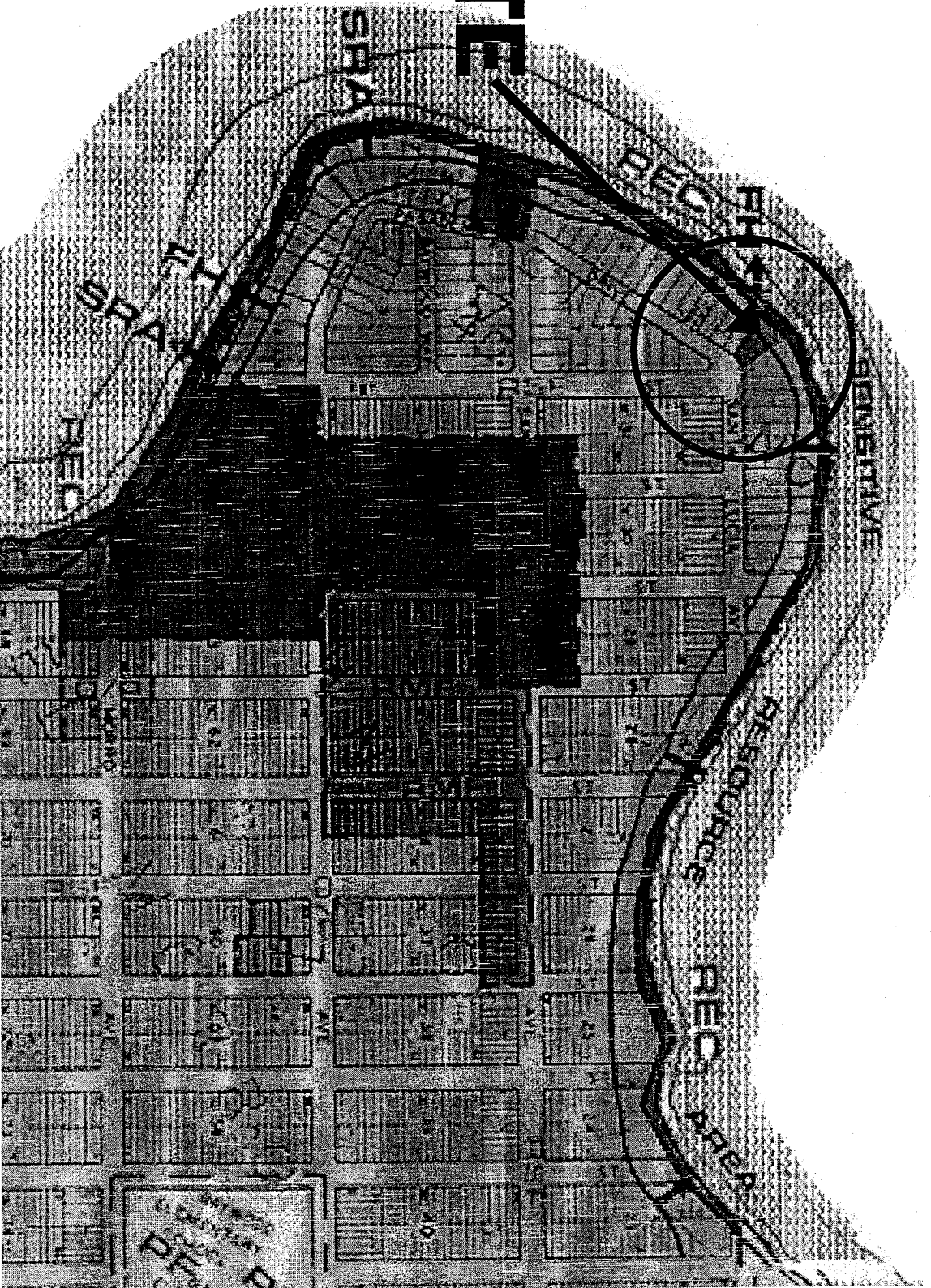
7. The applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
8. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

9. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
10. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



SITE



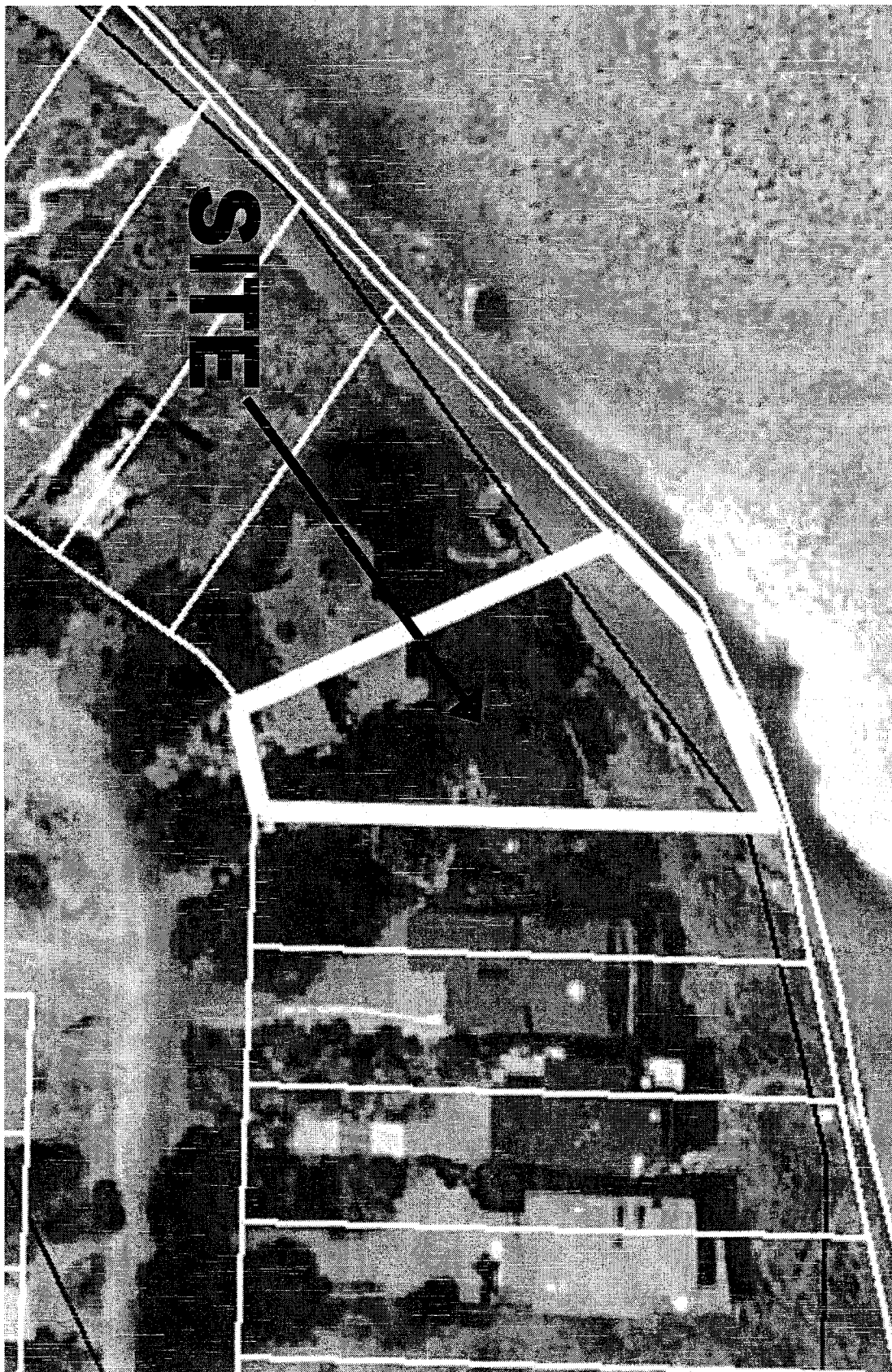
PROJECT

Minor Use Permit
WALKER DRC2005-00061



EXHIBIT

Land Use Category Map



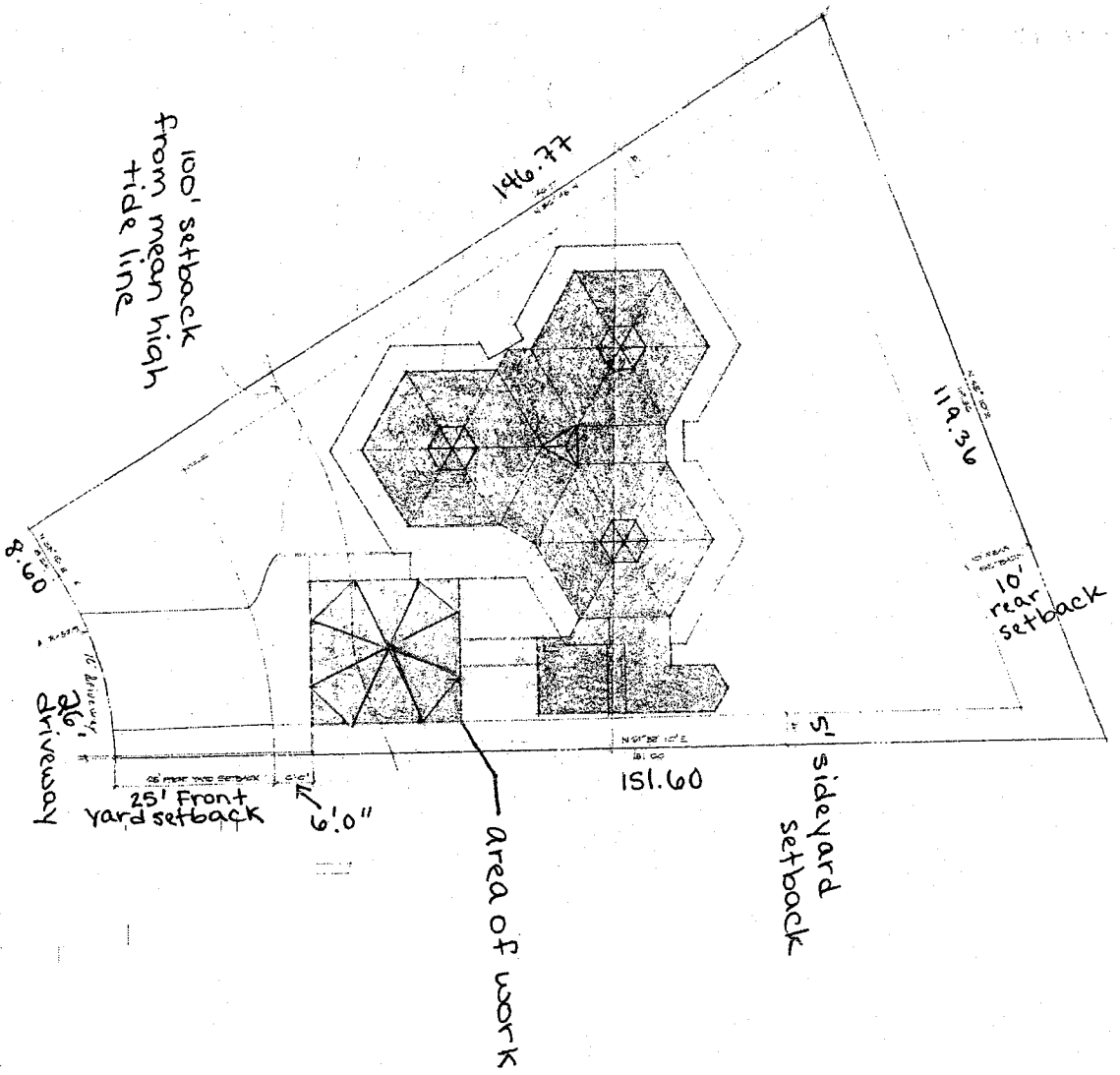
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Minor Use Permit
WALKER DRC2005-00061



EXHIBIT

Aerial Photograph



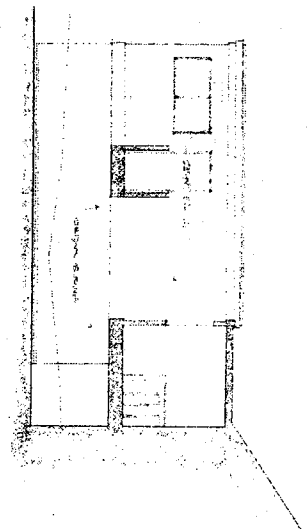
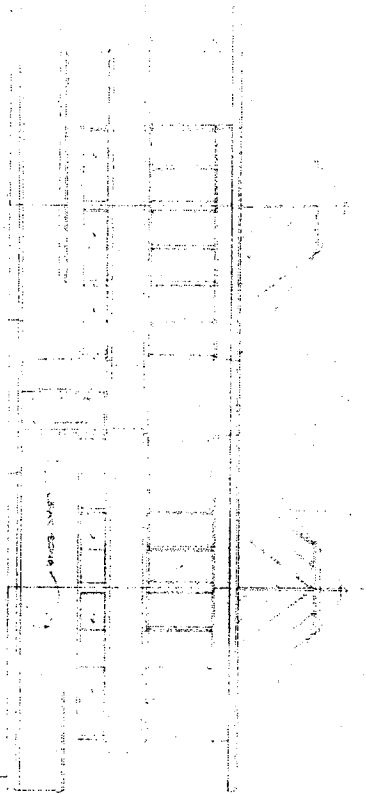
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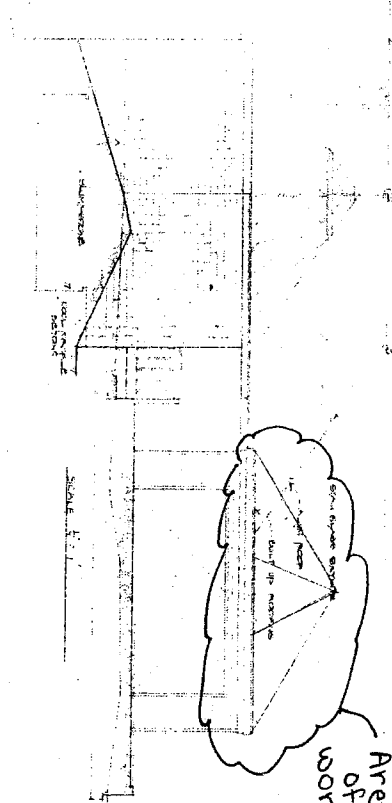
EXHIBIT

Site Plan

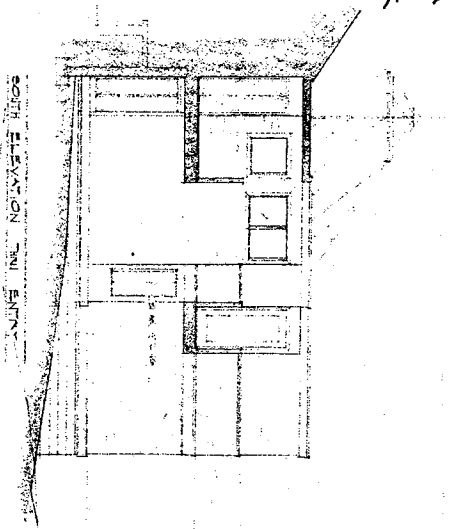


NORTH ELEVATION TWO ENTRY

NORTH ELEVATION



North Elevation



South Elevation Two Entry

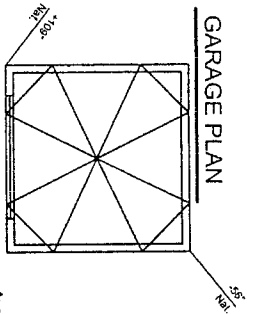
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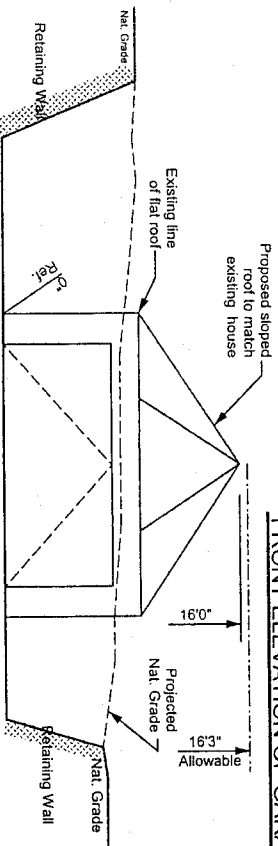
EXHIBIT

Elevation

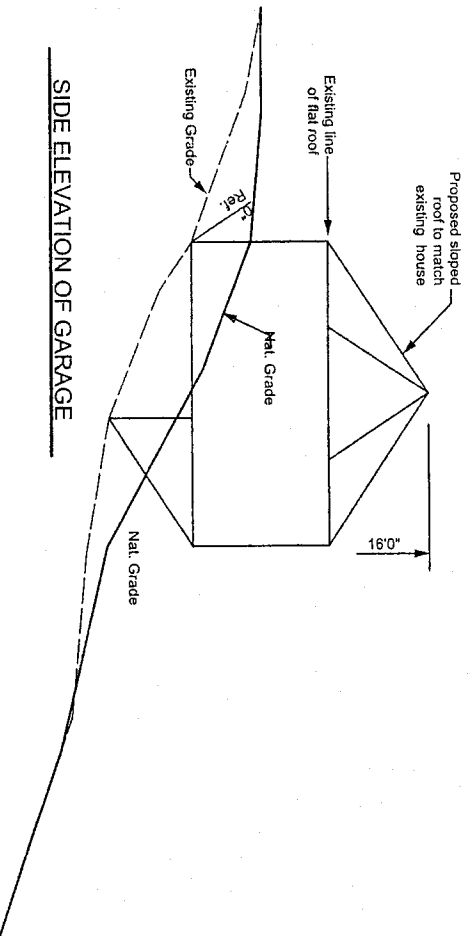


GRADE / HT. CALCULATION
Average Nat. Grade = $109.56/2 = 26.5'$
Max Ht. = $26.5/12 + 14.0 = 16.2'$ allowable

FRONT ELEVATION OF GARAGE



SIDE ELEVATION OF GARAGE



PROJECT

Minor Use Permit
WALKER DRC2005-00061



EXHIBIT

Garage Elevation